

**MINUTES OF THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

September 15, 1999

DIVISION ONE

B128156	Valentin v. City of South Gate
B129906	Valentin v. City of South Gate

Filed order consolidating above captioned appeals.

[illegible]

The matter is remanded for the trial court to modify the sentence per People v. Jefferson, supra, 21 Cal.4th 86.) In addition, the trial court is to strike the great bodily injury enhancement as to the aggravated mayhem and torture counts. An amended abstract of judgment is to be sent to the Department of Corrections. In all other respects, the judgment is affirmed.

Ortega, J.

We concur: Spencer, P.J.
Masterson, J.

September 15, 1999-Continued

DIVISION ONE (Continued)

[illegible]

The judgment is affirmed.

Ortega, Acting P.J.

We concur: Vogel (Miriam A.), J.
Masterson, J.

B123334 Belasco (Not for Publication)
v.
Katz

We dismiss the appeal. We impose \$10,975 in sanctions against Katz, payable to the estate. We award the estate costs. We instruct the clerk to forward a copy of this opinion to the State Bar.

Ortega, Acting P.J.

We concur: Vogel (Miriam A.), J.
Masterson, J.

B122893 Montrose Chemical Corporation of California
v.
American Motorists Insurance Company

Filed order denying petition for rehearing and request for modification.

DIVISION TWO

B108984 Saret-Cook (Certified for Publication)
v.
Gilbert, Kelly, Crowley & Jennett et al.

The judgment is affirmed. Respondents to recover costs on appeal.

Zebrowski, J.

We concur: Boren, P.J.
 Mallano, J. (Assigned)

B125138 People (Not for Publication)
v.
Ruth

The Court:

The judgment is affirmed and the superior court is directed to prepare an amended abstract of judgment reflecting the \$200 parole revocation fine pursuant to Penal Code section 1202.45.

Nott, Acting P.J., Zebrowski, J., Mallano, J. (Assigned)

B120457 Shen (Not for Publication)
v.
Barnett et al.

The judgment of dismissal is reversed with directions to vacate the order sustaining the demurrer without leave to amend and to allow plaintiff leave to amend. Costs to appellant.

Zebrowski, J.

We concur: Boren, P.J.
 Mallano, J. (Assigned)

September 15, 1999-Continued

DIVISION TWO (Continued)

B124724 People (Not for Publication)
v.
Lav

The judgment is reversed with respect to appellant's sentence, and the matter is remanded to the trial court for new proceedings on sentence. The judgment is affirmed in all other respects.

Zebrowski, J.

We concur: Nott, Acting P.J.
Mallano, J. (Assigned)

B123810 People (Not for Publication)
v.
Henderson

The Court:

The judgment is affirmed.

Nott, Acting P.J., Zebrowski, J., Mallano, J. (Assigned)

B128548 People (Not for Publication)
v.
Spooner

The Court:

The judgment is affirmed.

Nott, Acting P.J., Zebrowski, J., Mallano, J. (Assigned)

September 15, 1999-Continued

DIVISION TWO (Continued)

B120577 People (Not for Publication)
v.
Sims

The judgment is modified to reflect a \$200 restitution fine pursuant to Penal Code section 1202.45, subdivision (b) and a \$200 fine pursuant to Penal Code section 1202.45, the latter fine to be suspended unless appellant's parole is revoked. The judgment is further modified to reflect a \$300 fine imposed under section 290.3. The abstract of judgment is to be amended to reflect these fines. In all other respects, the judgment is affirmed.

Zebrowski, J.

We concur: Boren, P.J.
Mallano, J. (Assigned)

DIVISION THREE

Court convened at 9:30 A.M.

Present: Klein, P.J., Croskey, J., Aldrich, J., Schneider, J. (Assigned), and Valorie Gray, Deputy Clerk.

Each of the following:

B116483 Sherman v. Hughes Aircraft Company
B130030 People v. Giovanni A.
B129574 People v. Williams
B113204 People v. Jimenez
B119872 People v. Quintanilla
B126595 People v. Cooper et al.

Argument waived, cause submitted.

DIVISION THREE (Continued)

B126201 Han
 v.
 Iran

Merits:

Argued by Patricia L. Reber for appellant and by Dale J. Park for respondent. Cause submitted.

B125361 Galbraith
 v.
 McKovich

Merits:

Argued by Keith A. Johnson for appellant and by William R. DeWolfe for respondent. Cause submitted.

B119122 Estate of Theodore Fain
 v.
 Fain et al.

Merits:

Argued by Leonard J. Martinet for appellant Highlands Insurance Company, by Eleanor Fain, appellant in propria persona and by Doyle O. Blaney and Betty G. Barrington for respondents. Cause submitted.

B126938 De Los Reyes
 v.
 Chubb Life Insurance Company of America

Merits:

Argued by Delores A. Yarnall for appellant and by Gregg Auder for respondent. Cause submitted.

The Court adjourned at 11:35 A.M.

DIVISION FOUR

B126160 Goodstein (Not for Publication)
v.
Doctors' Management Co.

The judgment is reversed with directions to allow appellant to amend his complaint to add The Doctors' Company, Inc., as a defendant, and for further proceedings to determine whether respondent The Doctors' Management Company, Inc., is henceforth estopped from denying that it was a party to appellant's insurance policy. Appellant is awarded his costs.

Curry, J.

We concur: Vogel (C.S.), P.J.
Epstein, J.

B116276 Auerbach et al. (Certified for Publication)
v.
Great Western Bank

The judgment on the breach of contract cause of action is reversed. The damage award for the fraud cause of action is modified to \$6,750. The award for punitive damages is reversed and the matter is remanded for retrial on punitive damages. Each side to bear its own costs.

Curry, J.

We concur: Vogel (C.S.), P.J.
Epstein, J.

B122170 County of Los Angeles (Certified for Publication)
v.
Taylor Billings Bail Bonds

The judgment is affirmed.

Curry, J.

We concur: Vogel (C.S.), P.J.
Epstein, J.

September 15, 1999-Continued

DIVISION FOUR (Continued)

B129001 People (Not for Publication)
v.
Tyrell A.

The judgment is affirmed.

Epstein, Acting P.J.

We concur: Hastings, J.
Curry, J.

DIVISION FIVE

B124400 People (Not for Publication)
v.
Jorge Granillo

The judgment is modified by imposing and suspending a \$200 parole revocation restitution fine pursuant to Penal Code section 1202.45, imposing a \$50 laboratory analysis fee pursuant to Health and Safety Code section 11372.5, subdivision (a), imposing a \$50 penalty assessment pursuant to Penal Code section 1464, and imposing a \$35 penalty assessment pursuant to Government Code section 76000. As modified, the judgment is affirmed.

Grignon, J.

We concur: Turner, P.J.
Godoy Perez, J.

B128170 Leon Jenkins et al. (Not for Publication)
v.
John Niemier et al.

The judgment is affirmed. Respondents to recover costs.

Armstrong, J.

We concur: Turner, P.J.
 Godoy Perez, J.

DIVISION FIVE (Continued)

B114609 Ruby C. Williams (Not for Publication)
 v.
 David Thomspon Boyd

The judgment and sanctions orders are affirmed. Respondent to recover her costs on appeal.

Godoy Perez, J.

We concur: Turner, P.J.
 Grignon, J.

B130001 Los Angeles County, D.C.F.S. (Not for Publication)
 v.
 Randy T., et al.
 In re Rolanda A., et al.

The judgment is affirmed.

Armstrong, J.

We concur: Turner, P.J.
 Grignon, J.

DIVISION SIX

B131695 People (Not for Publication)
 v.
 Ramirez

The judgment is affirmed.

Yegan, J.

We concur: Gilbert, Acting P.J.
 Coffee, J.

DIVISION SIX (Continued)

B124090 R.T. Contreras (Not for Publication)
 v.
 Wall

The default entered against T.J. Trust in case No. 169521 is vacated and the default judgment in that case is reversed. The judgment of dismissal in case No. 169744 is reversed. Both cases are remanded to the superior court for further proceedings. The request for sanctions is denied.

Costs are awarded to appellants R.T. Contreras and T.J. Trust.

Coffee, J.

We concur: Gilbert, Acting P.J.
 Yegan, J.

B130517 People (Not for Publication)
 v.
 Nice

The judgment is affirmed.

Yegan, J.

We concur: Gilbert, Acting P.J.
 Coffee, J.

B132326 People (Not for Publication)
 v.
 Chavez

The judgment is affirmed.

Yegan, J.

We concur: Gilbert, Acting P.J.
 Coffee, J.

DIVISION SIX (Continued)

B126815 Huntsinger et al. (Not for Publication)
 v.
 Price

The judgment is affirmed. The parties are to bear their own costs on appeal.

Coffee, J.

We concur: Gilbert, Acting P.J.
 Yegan, J.

B127375 People (Not for Publication)
 v.
 Wines

The judgment is affirmed.

Matz, J. (Assigned)

We concur: Gilbert, Acting P.J.
 Yegan, J.

B126486 Quackenbush (Not for Publication)
 v.
 Santa Barbara Municipal Court
 The People (r.p.i.)

The judgment of contempt is invalid on its face because it does not specify the statements supposedly constituting contempt. We reverse the denial of the writ petition and direct the superior court on remand to order the municipal court to annul the contempt citation. The parties are to bear their own costs.

Gilbert, Acting P.J.

We concur: Yegan, J.
 Coffee, J.

September 15, 1999-Continued

DIVISION SIX (Continued)

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Affirmed in part; reversed in part with directions on remand to the trial court.

Matz, J. (Assigned)

We concur: Gilbert, Acting P.J.
 Coffee, J.

B126867 People (Not for Publication)
v.
Lauderdale

The judgment is affirmed.

Matz, J. (Assigned)

We concur: Yegan, Acting P.J.
Coffee, J.

B111467 People (Not for Publication)
v.
Rodarte

The judgment is affirmed.

Gilbert, Acting P.J.

We concur: Yegan, J.
Coffee, J.

DIVISION SEVEN

B128866 Los Angeles County, D.C.F.S. (Not for Publication)
 v.
 Darlene E.

The orders under review are affirmed.

Neal, J.

We concur: Lillie, P.J.
 Johnson, J.

B121181 People (Not for Publication)
 v.
 Moreno

The judgment is affirmed.

Neal, J.

We concur: Lillie, P.J.
 Woods, J.

B128639 People (Not for Publication)
 v.
 Hodge

The judgment is affirmed.

Neal, J.

We concur: Lillie, P.J.
 Johnson, J.

September 15, 1999-Continued

DIVISION SEVEN (Continued)

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The judgment is affirmed.

Neal, J.

We concur: Lillie, P.J.
Woods, J.

B110228 Cheyovich
v.
San Marion Unified School District

Filed order denying petition for rehearing.

B117205 People
v.
Granados

Filed order denying petition for rehearing. Johnson, J. would grant petition.